

## Office of the Secretary, Education

## § 76.401

(c) If the State funds the application, each subgrantee shall:

(1) Carry out the activities that the subgrantee agreed to carry out; and

(2) Use the funds in accordance with Federal requirements.

(d) Each subgrantee shall use an accounting system that permits identification of the costs paid for under its subgrant.

(Authority: 20 U.S.C. 1221e-3 and 3474)

### **§ 76.304 Subgrantee shall make subgrant application available to the public.**

A subgrantee shall make any application, evaluation, periodic program plan, or report relating to each program available for public inspection.

(Authority: 20 U.S.C. 1221e-3, 1232e, and 3474)

## **Subpart E—How a Subgrant Is Made to an Applicant**

### **§ 76.400 State procedures for reviewing an application.**

A State that receives an application for a subgrant shall take the following steps:

(a) *Review.* The State shall review the application.

(b) *Approval—entitlement programs.* The State shall approve an application if:

(1) The application is submitted by an applicant that is entitled to receive a subgrant under the program; and

(2) The applicant meets the requirements of the Federal statutes and regulations that apply to the program.

(c) *Approval—discretionary programs.* The State may approve an application if:

(1) The application is submitted by an eligible applicant under a program in which the State has the discretion to select subgrantees;

(2) The applicant meets the requirements of the Federal statutes and regulations that apply to the program; and

(3) The State determines that the project should be funded under the authorizing statute and implementing regulations for the program.

(d) *Disapproval—entitlement and discretionary programs.* If an application does not meet the requirements of the Federal statutes and regulations that apply to a program, the State shall not approve the application.

(Authority: 20 U.S.C. 1221e-3 and 3474)

### **§ 76.401 Disapproval of an application—opportunity for a hearing.**

(a) *State agency hearing before disapproval.* Under the programs listed in the chart below, the State agency that administers the program shall provide an applicant with notice and an opportunity for a hearing before it may disapprove the application.

| Program   | Authorizing statute  | Implementing regulations<br>Title 34 CFR<br>Part |
|---|--|--|
| Chapter 1, Program in Local Educational Agencies .....                    | Title I, Chapter 1, Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 2701–2731, 2821–2838, 2851–2854, and 2891–2901). | 200  |
| Chapter 1, Program for Neglected and Delinquent Children .....            | Title 1, Chapter 1, Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 2801–2804).                                      | 203  |
| State Grants for Strengthening Instruction in Mathematics and Science.    | Title II, Part A, Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 2981–2993).  | 208  |
| Federal, State, and Local Partnership for Educational Improvement.        | Title I, Chapter 2, Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 2911–2952 and 2971–2976).                        | 298  |
| Assistance to States for Education of Handicapped Children .....          | Part B, Individuals with Disabilities Education Act (except Section 619) (20 U.S.C. 1411–1420).  | 300  |
| Preschool Grants .....  | Section 619, Individuals with Disabilities Education Act (20 U.S.C. 1419).   | 301  |
| Chapter 1, State-Operated or Supported Programs for Handicapped Children. | Title 1, Chapter 1, Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 2791–2795).                                      | 302  |